

**City of Somerville
Licensing Commission**

Regular Meeting by Remote Participation

**DRAFT OF THE
Minutes of the Regular Meeting
Monday, February 22, 2021
Posted Monday, March 15, 2021 at 5:50pm**

*The meeting was called to order at 6:00pm. Present were Commissioners, Lynch, Allen and Lindgren, Secretary to the Commission Lori Batzek, Lt. MacLaughlan, a member of the Fire Dept., Sgt. Chaille, a member of the Police Dept., City Clerk, John Long, Members of the City Staff, Applicants and members of the public.
The meeting adjourned at 6:53pm*

A recording of this meeting is available online

**Monday
February 22, 2021
6:00pm
Published February 17, 2021, at 5:20pm
Published February 22, 2021, at 5:00pm**

Pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law, G.L. C. 30A, s. 18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, as well as Mayor Curtatone's Declaration of Emergency, dated March 15, 2020, this meeting of the Licensing Commission will be conducted via remote participation. We will post an audio recording, audio-video recording, transcript, or other comprehensive record of these proceedings as soon as possible after the meeting on the City of Somerville website.

Copy & paste the following link into your internet browser to view this meeting live:

<https://attendee.gotowebinar.com/register/3578944846352100110>.

If you wish to submit comments on any item on this agenda, you may send written comments by US mail to the Secretary of the Licensing Commission, 93 Highland Avenue, Somerville, MA, 02143, or by email to ljbatzek@somervillema.gov. Your comments must arrive no later than 12 Noon on the day of the meeting, in order to be sure they are conveyed to the Commission.

COMMUNICATIONS

1. Minutes of January 25, 2021 Regular Meeting – (Incomplete)

Minutes will be posted as a "Draft" with the caveat that they have not yet been voted on by the commission. The minutes will be posted for March 15, 2021 Licensing Commission Agenda. Chairman Lynch stated there is a recording of this meeting available on the City of Somerville website.

2. ABCC Advisory - ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY REGARDING INCREASING RETAILER'S CAPACITY LIMIT TO FORTY PERCENT

On February 4, 2021, Governor Charlie Baker increased certain retailers' capacity limits from 25% to 40%.

As of Monday, February 8, 2021, all retail alcohol licensees may increase their customer occupancy to 40% capacity limit. This applies to indoor and outdoor seating separately.

For on-premises licensees, the 40% capacity limit is based on a licensee's seating capacity. Questions regarding seating capacity should be directed to your local licensing authority.

For off-premises licensees, the 40% capacity limit is calculated by the occupancy load as stated on a licensee's certificate of inspection issued under the State Building Code.

Workers/staff are excluded from the occupancy count.

Licensees for on-premises consumption are reminded that food must be served with alcohol sales, as explained in the ABCC's August 10, 2020, Advisory.

These licensees are also reminded of the 90-minute time limit per table, with a maximum of 6 patrons per table, which remains in effect.

As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by federal, state, and local law. All questions should be directed to the ABCC Executive Director Ralph Sacramone at rsacramone@tre.state.ma.us or (617) 727-3040 x 731. (Issued February 5, 2021)

The Commission made a note of this Advisory and placed it on file. Chairman Lynch advised licensee's to read this advisory and it is available on the website.

3. Somerville Licensing Commission Advisory sent to Licensee's on 2/5/21

Somerville Businesses to Remain at 25% Capacity Limit

The City of Somerville will not join the Commonwealth in raising capacity limits on Monday February 8 for certain businesses. Capacity limits in Somerville businesses will remain at 25% or the limit set in the business's City-approved health and safety plan until further notice.

Somerville also continues to hold the limit on attendance at outdoor gatherings to stricter levels than the Commonwealth with no more than 10 persons until further notice. The limit applies to both indoor and outdoor gatherings of any kind unless otherwise specifically permitted in City activity-specific guidelines.

For more information and regular COVID-19 updates, visit www.somervillema.gov/coronavirus and sign up for City alerts at www.somervillema.gov/Alerts. Community members are encouraged to sign up for every alert method: phone call, text, email. Also follow [FB.com/SomervilleCity](https://www.facebook.com/SomervilleCity) and [@SomervilleCity](https://twitter.com/SomervilleCity).

The Commission made a note of this Advisory sent to Licensee's by the Licensing Commission, and placed this on file.

4. Communication from Chairman Lynch dated 2/16/21:

Urging this Commission to review its Rules and Regulations and prepare a timeline to produce any proposed amendments.

Chairman Lynch stated he believes all 3 commissioners should work on this. He suggested submitting any changes in draft form to be discussed at next month's Licensing Commission meeting. Commissioner Lindgren suggested to Chairman Lynch that the website be updated for all the new duties and responsibilities for the Recreational Marijuana Licenses as well. Chairman Lynch requested that this be done. Any questions should be emailed to the Secretary or City Clerk John Long. Any errors or things that need to be addressed can be taken up at the March Licensing Commission Meeting for discussion.

4a. Communication from Chairman Lynch dated 2/22/21:

Submitting a preliminary status report of licensees that have indicated permanent closure, temporarily closed (hibernation) or have yet to renew their 2021 Somerville License Commission license. This report will be frequently updated as more information becomes available.

Chairman Lynch stated he has this review and will fine tune the report and send it to the commissioners for their review. Preliminary closure numbers are a total of 41 small businesses, of which 16 are Licensing Commission Licensees, have gone into hibernation, closed in November or December.

Existing All Forms Alcohol
Private License
Requesting
A Change of Officers/Directors/LLC Managers

5. Fraiman Enterprises Inc. d/b/a The Somerville Theater, 55 Davis Sq. requesting approval for an a Change in Officers/Directors/LLC Managers

From:

Douglas Fraiman – President, Director

Melvin L. Fraiman – Treasurer, Director (removing)

Beatice Z. Fraiman – Clerk, Director (removing)

To:

Richard B. Fraiman – President, Treasurer, Director (adding)

Lenie S. Fraiman – Secretary, Director (adding)

(ALM20-000172)

Alteration of Premises was approved under this amendment ALM20-000172 at the January 25, 2021 Licensing Commission Meeting. Change of Officers/Directors/LLC Managers was inadvertently not updated on Jan. Agenda and requires approval

Attorney Robert Annese and Richard Fraiman appeared for this application. Chairman Lynch asked about an additional license held in the City of Arlington, because no was answered under section 6a on the ABCC application. The applicant stated he did have an interest in this license. Chairman Lynch stated the application needs to be amended to include this license.

The Commission approved this Change of Officer/Directors/LLC Managers, with the stipulation that the change discussed for 6a, be made to the ABCC application.

Continued from January 25, 2021

Existing All Forms Alcohol
Private License
Requesting
Change of Manager

6. Parisi's d/b/a Mike's Bar, 97 Washington St. requesting a Change of Manager from Robert Parise to Jana Brinkhaus
(ALM20-000176)

Applicant requested to continue this item for the February 22, 2021 Licensing Commission Meeting. Unable to stay past 9:15pm

No one appeared for this application. The Commission continued this item to the March 12, 2021 Licensing Commission meeting. Chairman Lynch stated the policy of the commission has been to continue an item twice, for a no show appearance, after which, it would be referred to the City Solicitors office.

Transfer
Private All Forms Package Store License

7. 88 Broadway, Inc. d/b/a Sullivan Square Liquors for 88 Broadway requesting a Transfer of an All Forms Package Store License from E Broadway Inc. d/b/a Sullivan Square Liquors for 88 Broadway to 88 Broadway, Inc. d/b/a Sullivan Square Liquors for 88 Broadway (AL21-000002)

This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.

Attorney Alexander Furey appeared for this application. Attorney Furey discussed the qualifications of the applicant and stated another store is owned in Cambridge. The applicant is Tips Certified. No significant feedback has been received. Attorney Furey states no violations have been reported to the ABCC from the Cambridge store. Chairman Lynch asked about the hours of operation: Mon-Sat 9am-11pm and Sun 12pm-10pm. Attorney Furey stated Councilor McLaughlin has no objection to this transfer

The Commission approved this Transfer of an All Forms Package Store License.

8. **COMMUNICATION - CONTINUED FROM NOVEMBER 16, 2020**
Motion read, however this was not voted on by the commission

Economic Development is requesting the Licensing Commission to conditionally approve outdoor seating licensees wishing to operate past January 11, 2021 on a case by case basis contingent upon DPW, Fire, Engineering and OSPCD review. For all other licenses, we are requesting to resume outdoor seating starting March 1st, 2021.

Secretary's Note:

After review of the video and minutes taken of this Licensing Commission Meeting, this motion may not have been voted on and may need to appear and be approved, for the February, 2020 Licensing Commission Meeting

MOTION: I move to allow the use of private property and the public ways for all holders of Outdoor Seating Licenses issued by this Licensing Commission from March 1, 2021 through March 31, 2021, notwithstanding the provisions of Licensing Commission Regulation 1.18h, through December 31, 2021. All other conditions apply, unless otherwise modified by the Governor or State or City legislation. Licensed use of the public way shall be discontinued upon notice by the Licensing Commission, Director of Inspectional Services, Commissioner of Public Works, Chief Fire Engineer, or City Engineer that the outdoor seating and all related equipment must be removed so the public way can be accessed for a public purpose, including, but not limited to, snow removal, street repair, and underground utility work.

Chairman Lynch read this motion into the record.

The Commission approved this motion as read.

Continued from January 25, 2021

EXISTING TEMPORARY OUTDOOR SEATING – ADDING SEATING & GREENHOUSES

Public Property Seating – Request to begin service on March 1, 2021

TEMPORARY OUTDOOR PATIO SEATING
DUE TO GOVERNOR BAKER'S ORDER

Requesting

An Alteration of Premises
For TEMPORARY Outdoor Patio Seating

9.

FOR NEXT LC MEETING																
LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE	TENT	HASP	FLOOR PLAN	CONTROL ENG.	SPCD	FIRE	INSURED	WINTER CERT.	
ALM20-000177	Genki Ya	246 Elm St.	Expansion of Temp. Outdoor Seating	from 20 to 32 Seats & Add. Greenhouses	Yes	Current/Temp	Public	Greenhouses	Yes	Yes	Yes			Yes	Yes	

Applicant not in attendance when this item was called at the Licensing Commission Meeting on January 25, 2021. Continued until the February 22, 2021 Licensing Commission Meeting.

Genki Ya – Jason Yu appeared for this application. This is a Public Street Parklet. 8 Greenhouses are being added. Chairman Lynch would like Economic Development to pay attention to this application. Lt. MacLaughlan express safety concerns and stated there seemed to be movement of the seating onto the sidewalk. Commissioner Allen has some concerns about Economic Development changing the policy and the Commission not being apprised on this.

The Commission provisionally approved this Outdoor Seating License, pending all departments' signoffs.

10.

LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE	TENT	HASP	FLOOR PLAN	CONTROL ENG.	SPCD	FIRE	INSURED	WINTER CERT.
ALM21-000001	Celeste	21 Bow St.		4 Seats & 2 Greenhouses on the sidewalk	No	Current	Public	Greenhouses	Yes	Yes	Yes	w/cond.	Yes	Yes	Yes

Celeste – Maria Rondo appeared for this application. This is a Public Street Parklet. Chairman Lynch would like Economic Development to pay attention to this application and keep the commission in the loop on this. Lt. MacLaughlan will coordinate with ISD on this license. The Commission provisionally approved this Outdoor Seating License, pending all departments' signoffs.

LATE ITEM

POSSIBLE VIOLATION

11. Request to Speak to the Somerville License Commission
From: Bonnie Denis, Chair of SCPD
Regarding: Possible Violation
Name of Business: Alpine Restaurant Group d/b/a Pizzaria Posto
Address: 187 Elm St.
Date: 2/19/21

Chairman Bonnie Denis expressed her concern about this restaurant not adhering to the terms of the approved Temporary Outdoor License. Ms. Denis read terms of the license. She provided several pictures on the matter. Ms. Denis also discussed her concerns of all the Outdoor Seating Licenses and the status of some of them not being ADA compliant. She would like to work with the commission and the city on this problem. Ms. Denis also stated that some of the Greenhouse are not handicap accessible, and a lot of complaints have been received about the lack of compliance on this matter. A lengthy discussion followed. Further review is requested on this matter.